REMARKS

This Response is to the final Office Action dated November 12, 2009. Claims 1, 13, 16 and 30 have been amended. No new matter was added by these amendments. Support for these amendments is found at least at Fig. 39, Fig. 39A, paragraph [0396] and paragraph [0397] of U.S. Publication No. 2004/0172302 (the present application). Applicants have submitted a Request for Continued Examination with this Response. Please charge Deposit Account No. 02-1818 for the Request for Continued Examination and any other fees deemed due in connection with this Response.

The Office Action rejected Claims 1, 4 to 6, 8 to 16, 18 to 31 and 33 to 35 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,408,330 to De La Huerga et al. ("*De La Huerga*") in view of U.S. Patent No. 6,241,704 to Peterson, et al. ("*Peterson*"). Applicants respectfully traverse this rejection, but have amended Claims 1, 16 and 30 to expedite prosecution.

Page 3 of the Office Action acknowledges that *De La Huerga* does not disclose transmitting a signal indicative of a result of the comparison of the operational parameters sent from the medical device to the portion of the order from the first computer to a remote computer, but refers instead to column 6, lines 1 to 28 of *Peterson* as disclosing the same. This passage of *Peterson* however refers only to an audible or visible alarm being sent if a cassette is unlatched or under "other conditions."

Claim 1 as presently amended on the other hand, includes ***initiating a comparison of the operational parameters sent from the medical device and at least a portion of the order via an input device of a remote computer***; after ***initiating the comparison, the first computer*** comparing at least one of the operational parameters sent from the medical device to at least a portion of the order; ***displaying a result of the comparison of the operational parameters sent from the medical device to the portion of the order on a display device of the remote computer***; and ***if the operational parameters sent from the medical device match the portion of the order, displaying an instruction on the display device of the remote computer***. Independent Claims 16 and 30 have been similarly amended.

See Figs. 39 and 39A of the present application below for illustrative purposes.

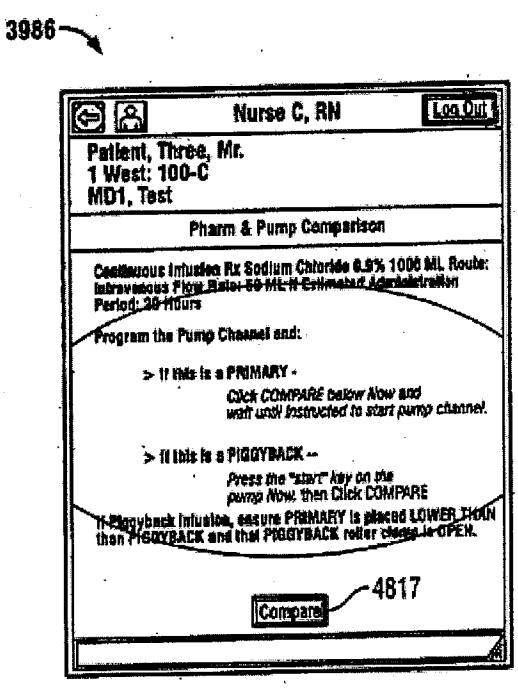

FIG. 39

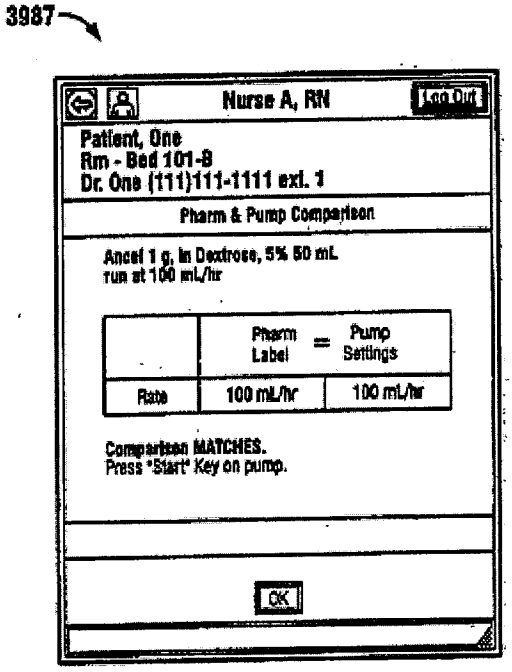

FIG. 39A

These claim amendments clarify that the claimed system and method, as illustrated in Figs. 39 and 39A above, is user interactive and involves initiation of a comparison. On the other hand, *Peterson* simply discloses an audible or visible alarm being sent if a cassette is unlatched or under "other conditions."

Regarding amended Claim 13, neither *De La Huerga* nor *Peterson* specifically disclose initiating a comparison of piggyback operational parameters sent from the medical device and at least a portion of the order via an input device of a remote computer.

Regarding Claim 18, page 5 of the Office Action refers to column 17, lines 37 to 55 and column 58, lines 1 to 16 of *De La Huerga*. In particular, column 58, lines 1 to 16 state as follows:

> A typical IV packet might include a period indicator which indicates the monitored time period (e.g. previous four hours) which corresponds to the dynamic data in the packet and a delivery rate field which indicates the rate of medicine delivered by IV device 116'. Where the delivery rate changed over the most recently monitored time period, the delivery rate field may include several medicine rate indicators which are each correlated with a delivery period over which the specific rate was provided. In the alternative, the rates may be provided in other forms such as a graph of rate versus time. In addition, the IV packet will also include a medication field indicating the medication dispensed via the IV, the

physician who authorized the medication, the patient name and so on. Further more, the IV packet will also include a physician identifying field indicating the physician who acquired the IV packet.

In Claim 18, the step of comparing data comprises the step of comparing a programmed infusion dose to a prescribed infusion dose. The above passage of *De La Huerga* only discloses a packet of data including an ***actual*** delivery rate over a period of time. Nowhere does this passage disclose or suggest comparing a programmed infusion dose to a prescribed infusion dose. Regarding Claim 19, the above passage of *De La Huerga* similarly does not disclose comparing a programmed infusion volume to a prescribed infusion volume.

Regarding Claim 21, page 26 of the Office Action refers to column 1, lines 36 to 47 and column 9, lines 42 to 49 of *De La Huerga* as disclosing linking a pumping channel with a patient identifier and an order identifier. Column 9, lines 42 to 49 which appear to be the focus of the Examiner's citation simply refer to a patient identification bracelet having information which can be transmitted to an information collection unit. Nowhere does this passage disclose linking a pumping channel with a patient identifier and an order identifier. Regarding Claim 22, this passage of *De La Huerga* clearly does not disclose ***precluding*** a comparison of the data transmitted from the medical device to the data in the order where a link between the patient identifier and the order identifier is not established. The passage does not disclose precluding anything for that matter. For at least these reasons, Applicants respectfully submit that Claims 1, 4 to 6, 8 to 16, 18 to 31 and 33 to 35 are patentable over *De La Huerga* and *Peterson* and in condition for allowance.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,
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